

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

NETHER FOR NOR AGAINST L. D. 617

**“AN ACT TO PROTECT THE STATE’S NATIVE AND WILD BROOK TROUT
AND DISCOURAGE ILLEGAL FISH INTRODUCTION”**

SPONSORED BY: Representative McCABE Skowhegan

**CO-SPONSORED BY: Senator CAIN of Penobscot
Representative KUSIAK of Fairfield
Representative MARKS of Pittston
Representative SAUCIER of Presque Isle
Representative SHORT of Pittsfield**

DATE OF HEARING: April 9, 2013

Good afternoon Senator Dutremble, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am John Boland, Director of the Bureau of Resource Management at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, neither for nor against **L.D. 617**.

L.D. 617 provides additional protections for Maine’s native and wild brook trout and promotes removal of invasive fish species that impact all native sport fish and non-sport fish species. This bill will eliminate all closed seasons and number, amount, weight and size limits for the taking or possession of any species identified as being illegally introduced. This bill will also require the commissioner to protect lakes and ponds that contain brook trout and that do not contain non-native species of fish.

The brook trout are designated as Maine’s Heritage fish and they continue to remain one of Maine’s most important sport fish species. Brook trout continue to be regularly sought out by resident and non-resident anglers. The last remaining intact populations of lake and pond dwelling brook trout found in the United States occur in Maine, specifically, the northern and western sections of our state. The wild and native brook trout require special management consideration in order to preserve traditional recreational angling and sporting camp opportunities.

Brook trout are particularly susceptible to competition from native and non-native fish species. Brook trout are impacted through direct predation and competition for food and space. Competition in both forms impact the numbers and size that brook trout can attain in a lake, pond, river or stream.

This bill directs the Department to provide the same protections to “wild brook trout waters” (B-list waters) as those afforded to “native brook trout waters” (A-list, or Heritage, waters), which would include disallowing stocking of other sportfish species in the B-list waters. It’s important to recognize that several B-list waters or drainages currently support some very important, heavily utilized fisheries for other native fish, some of which are supported by long-standing, highly successful stocking programs. Some of these would disappear or become relic fisheries if stocking was discontinued. This Committee should be aware of this possible unintended consequence of the bill. We would also point that our biological staff has been reviewing the current A and B lists for new waters to add or waters to change on each list, based on new assessment information - over 600 hours of staff time have been dedicated to this effort between Fall 2012 and Spring 2013. The Fisheries Division would like the opportunity to ultimately present these adjustments to MDIFW Administration and the Brook Trout Public Working Group.

Preventing the introduction of non-native and invasive fish species, and removing these species once they are introduced, remains an important aspect of managing brook trout if we wish to have brook trout to continue to thrive in the same waters where they exist today.

Removing non-native and invasive species from a body of water is not easy. It can be difficult to determine which species are native to an individual lake, pond or river. It is often impossible to remove invasive or non-native fish species from a body of water, even with chemical reclamation. Often, funding and the delay between the actual introduction and confirmation of an introduction by fisheries biologists allow invasive and non-native species to gain a foothold.

Providing the opportunity to anglers to remove/harvest invasive fish is an important tool the department can utilize to fight invasive introductions if coupled with the proper educational components. The Commissioner already has the authority to waive bag and length limits on any water where invasive species are confirmed. The Commissioner most recently exercised this authority on several Downeast lakes where an illegal largemouth bass introduction occurred.

Attempts to open waters to fishing for invasive fish species where these waters are closed to protect other species may negatively affect important fish resources in these waters, including brook trout. These effects may, or may not be, be more damaging to sport fish than the invasive or non-native fish. Any attempts to open these waters to unrestricted fishing need to be considered very, very carefully.

The bill's intent is unclear to us regarding whether waters "contain" brook trout and whether they "contain" invasive populations of non-native fishes. For example, Maine's thousands of water bodies "contain" wild brook trout in a wide range of abundance. Currently, strategies for protecting A and B-list lakes are focused largely on those waters where our staff has determined that trout are in sufficient abundance to provide viable principal fisheries. Would this legislation require A and B-list protections for all lakes, including those where brook trout are in very low abundance due to habitat constraints, or are only present seasonally?

Finally, we stress that the department currently lacks staff and fiscal resources to actively remove large numbers of invasive fish species. Expectations that the department's staff will be able to reclaim additional ponds or spend more time conducting follow-up on reports of invasive species beyond our current response capability is unrealistic.

I would be glad to answer any questions at this time or during the work session.